

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
MARCH 8, 2021**

**OPENING**

The regular meeting of the Upland City Council was called to order by Mayor Bill Velto at 6:01 p.m. in the Council Chamber of the Upland City Hall.

**1. ROLL CALL**

Present: Mayor Bill Velto, Council Members Janice Elliott, Carlos A. Garcia, Shannan Maust, and Rudy Zuniga

Staff: City Manager Rosemary Hoerning, City Attorney Stephen P. Dietsch, and City Clerk Keri Johnson

This City Council meeting was conducted pursuant to the Governor's Executive Order N-29-20 which suspended certain requirements of the Brown Act. The Mayor, Council Members, and staff were present via videoconference. The public was able to observe the meeting via live stream on the City's website or on the public access cable channels. Public comment was taken via telephone.

**2. ADDITIONS/DELETIONS TO AGENDA** None

**3. ORAL COMMUNICATIONS**

Natasha Walton, requested the Council stop the sale of the City property at 9<sup>th</sup> Street and Bodenhamer and consider using the land for a new park.

**4. CLOSED SESSION**

At 6:04 p.m. Mayor Velto announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Government Code Section 54956.9 - (Subdivision (d)(2) of 54956.9) - 2 potential cases

B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Government Code Section 54956.9 (Subdivision (d)(1) of Govt. Code Sec. 54956.9)

Case Name: Stanley vs. City of Upland (Tort Claim) CIV SB 2028878

C. CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Government Code Section 54956.8

Property: Two areas within the City's right-of-way on Foothill Boulevard, one site on the north side of Foothill Boulevard approximately 60 feet east of Monte Vista Avenue, and another site at the intersection of Foothill Boulevard and Mountain Avenue with one located on the south side of Foothill Boulevard, approximately 260 feet west of

Mountain Avenue, or located on the north side of Foothill Boulevard, approximately 150 feet east of Mountain Avenue.

City negotiators: City Manager Rosemary Hoerning and Development Services Director Robert Dalquest

Negotiating parties: Lamar Central Outdoor, LLC

Under negotiation: Lease price and terms of payment

D. CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Government Code Section 54956.8

Property: Two contiguous City-owned properties approximately 0.29 acre in size located on the northwest corner of 9th Street and Bodenhamer Street; APNs: 1046-493-31 & 32.

City negotiators: City Manager Rosemary Hoerning, Development Services Director Robert Dalquest, Development Services Manager Liz Chavez, and Economic Development Coordinator Melecio Picazo.

Negotiating parties: John Hewitt

Under negotiation: price and terms

The City Council reconvened in open session at 7:14 p.m.

**5. INVOCATION** Rabbi Stephen Epstein, Temple Shalom

**6. PLEDGE OF ALLEGIANCE** Chief Goodman

**7. PRESENTATIONS**

Congressman Pete Aguilar provided information on the American Rescue Plan estimates and local impact.

Mayor Velto presented a proclamation declaring March 2021 as American Red Cross month.

**8. CITY ATTORNEY**

City Attorney Dietsch reported that the City Council convened in closed session to discuss items 4A through 4D on the agenda. He further reported that item 4A was related to a human resources matter, and there were no reportable actions during closed session.

**9. ORAL COMMUNICATIONS**

Bob Cable, thanked the finance department for their assistance with an issue he was having with his tenant and trash services. He further thanked Councilmember Maust for attending a forum he held with the Harvest Community.

Lisa Nicely, stated concerns regarding the number of massage parlors in the City and legitimacy of the business operations. She further stated concerns regarding massage parlors connection to human trafficking.

Rita Loof, spoke in opposition of the Upland Unified School District's recent development impact fee increase and stated concerns about where the funds are being spent.

Marianne Grosner, stated concerns about the Upland Unified School District's recent development impact fee increase.

Jessica Martinez, stated concerns about the Upland Unified School District's recent development impact fee increase.

#### **10. CONSENT CALENDAR**

Councilmember Maust removed Consent Calendar Item 10C and Councilmember Garcia removed Consent Calendar Item 10H for separate action. Motion by Councilmember Maust to approve the remainder of the Consent Calendar, seconded by Councilmember Zuniga, and carried unanimously.

##### **A. APPROVAL OF MINUTES**

Approved the Regular Meeting Minutes of February 22, 2021 and the Special Joint Workshop Minutes of February 25, 2021.

##### **B. 2ND READING OF ORDINANCE 1951 AMENDING THE CITY TREASURER'S COMPENSATION**

Held second reading by number and title only, waived further reading, and adopted Ordinance No. 1951 amending Chapter 2.08.010 of Title 2 "Administration and Personnel, City Treasurer - Salary" of the Upland Municipal Code.

##### **D. BOOKING SERVICE AGREEMENT AMENDMENT**

Authorized the City Manager to sign an amendment to the existing agreement with G4S for providing a booking service.

##### **E. EMERGENCY PURCHASE AND INSTALLATION OF THREE LIBRARY PUBLIC PROJECTS**

Received and filed the status update.

##### **F. CALRECYCLE USED OIL PAYMENT PROGRAM (OPP CYCLE 11) GRANT**

Accepted the CalRecycle Used Oil Payment Cycle 11 Grant Award of \$9,197.

##### **G. AWARD OF BID FOR PROJECT NO. 8411, SP/PE TRAIL STORM DRAIN IMPROVEMENTS**

Approved the plans and specifications for Project No. 8411; awarded the construction contract to TSR Construction and Inspection in the amount of \$78,451; approve a construction contingency in the amount of \$21,549, for a total amount of \$100,000.

ITEMS REMOVED FOR SEPARATE ACTION

C. ALL CITY MANAGEMENT AGREEMENT FOR CROSSING GUARD SERVICES

Chief Goodman answered questions posed by the Council regarding the funding source used to pay for crossing guard services and the school sites where crossing guard services are utilized.

Motion by Councilmember Elliott to approve a third Amendment to the Agreement with All City Management Services and authorize the City Manager to execute the Amendment; and authorize the City Manager to execute an additional amendment to fund crossing guards for additional hours should the junior high school on campus instruction, resume in FY 2020/2021, seconded by Councilmember Maust, and carried unanimously.

H. EXTENSION TO WEST COAST ARBORIST AGREEMENT

Public Works Director Yu answered questions posed by the Council regarding when the last RFP was done for these services, the use of West Coast Arborist services during large wind events, and the annual budget for services.

Motion by Councilmember Elliott to authorize the City Manager to execute the remaining two, one (1) year extensions to the West Coast Arborist agreement, including the contract amount consistent with the amount approved annually by City Council in the City's annual budget, seconded by Councilmember Garcia, and carried unanimously.

**11. PUBLIC HEARINGS** None

**12. COUNCIL COMMITTEE REPORTS**

A. ECONOMIC DEVELOPMENT COMMITTEE MEETING, MARCH 1, 2021

Councilmember Zuniga provided a recap of the meeting, which is on file in the City Clerk's Office. This was for information only and no action was required.

**13. BUSINESS ITEMS**

A. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND RELATED REPORTS FOR THE FISCAL YEAR ENDED JUNE 30, 2020

Assistant City Manager Parker introduced Brett Van Lant of Van Lant & Fankhanel, LLP who presented the staff report along with a PowerPoint, which is on file in the City Clerk's Office.

The City Council received and filed the Comprehensive Annual Financial Report, the Auditors Communication with Those Charged with Governance (SAS 114 letter), the Auditor's Report on Internal Control over Financial Reporting and Compliance and Other Matters (SAS 115 letter), and the Independent Accountants' Report of Agreed-Upon Procedures Applied to Appropriation Limit Worksheets for the Fiscal Year Ended June 30, 2020.

**B. MID-YEAR BUDGET REVIEW FY 2020/21**

Assistant City Manager Parker presented the staff report along with a PowerPoint, which is on file in the City Clerk's Office.

The Council thanked staff for the thorough presentation.

Motion by Councilmember Garcia to receive and file the Mid-Year Budget Review for Fiscal Year 2020/21, approve the Mid-Year Budget Review's Proposed Budget Adjustments; and approve the updated Schedule of Positions, seconded by Councilmember Zuniga, and carried unanimously.

**C. APPOINTMENTS TO THE SAN ANTONIO WATER COMPANY BOARD & WEST END CONSOLIDATED WATER COMPANY BOARD OF DIRECTORS**

City Manager Hoerning presented the staff report, which is on file in the City Clerk's Office. Mayor Velto provided his reasons for choosing his appointments.

Mayor Velto nominated Councilmember Janice Elliott, Councilmember Carlos Garcia, Councilmember Shannan Maust, and Shelly Verrinder to the West End Consolidated Water Company slate of directors.

Motion by Councilmember Zuniga to approve Mayor Velto's nominations of Councilmember Janice Elliott, Councilmember Carlos Garcia, Councilmember Shannan Maust, and Shelly Verrinder to the West End Consolidated Water Company slate of directors, seconded by Councilmember Maust, and carried unanimously.

Mayor Velto nominated Councilmember Janice Elliott to carry the proxy for the West End Consolidated Water Company annual meeting.

Motion by Councilmember Maust to appoint Councilmember Janice Elliott to carry the proxy for the West End Consolidated Water Company annual meeting, seconded by Councilmember Garcia, and carried unanimously.

Mayor Velto nominated himself and Kati Parker to the San Antonio Water Company slate of directors.

Motion by Councilmember Elliott to approve Mayor Velto's nominations of Kati Parker and Mayor Bill Velto to the San Antonio Water Company slate of directors, seconded by Councilmember Garcia, and carried unanimously.

**14. COUNCIL COMMUNICATIONS**

Councilmember Elliott provided an update on San Bernardino County COVID-19 statistics.

Councilmembers commented on recent events and activities throughout the community.

**15. CITY MANAGER**

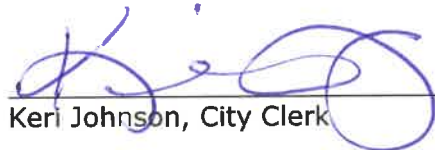
City Manager Hoerning introduced City Council Advisory Committee Chair Schwary who presented an information report from the March 3, 2021 City Council Advisory Committee meeting.

City Manager Hoerning reminded residents that the annual weed abatement program was currently in progress and encouraged residents to take care of any weed and blight issues.

**16. ADJOURNMENT**

Mayor Velto adjourned the meeting at 9:23 p.m. The next regularly scheduled City Council meeting is Monday, March 22, 2021.

**SUBMITTED BY**

  
Keri Johnson, City Clerk

**APPROVED**

March 22, 2021